

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
TAXICAB COMMISSION**



DETERMINATIONS AND FINDINGS:

AGE OF TAXICABS RULE

NOVEMBER 12, 2014

The D.C. Taxicab Commission is committed to ensuring that consumers who use the District's metered taxicabs are driven in clean, efficient, safe, well-maintained vehicles. Until 2012, this was an elusive goal, as the taxicab fleet included a large proportion of vehicles with body damage, rust, peeling paint, musty interiors, ripped and worn upholstery, dirty carpets, leaky trunks, and similarly unacceptable conditions. These conditions were not unexpected as a sizable portion of the fleet then consisted of vehicles 12 to 15 years of age and older.

Reducing vehicle age is an important aspect of fleet modernization. The existing "Age of Taxicabs" rule in § 609 of Title 31 of the DCMR, enacted in 2012¹, limits the age of vehicles to five years at the time they enter service and seven years total time on the road, a 5/7 year age policy. The Commission's age policy is consistent with, if not more generous than, the policies of other, similarly situated metropolitan areas. For example, New York City limits vehicles to 36 months for double shifted vehicles, and 5 years for all other vehicles². Boston limits vehicles to six years on the road.³ Philadelphia taxicabs must be taken off the road after eight years.⁴ The age policy is not being revisited at this time.

The Commission has consistently recognized the need to gradually phase-in its age policy, because the immediate imposition of an age policy could disrupt service to consumers with the sudden loss of large numbers of vehicles. The current Age of Taxicabs rule in § 609 works in just this manner: on January 1st of each year, more and more of the oldest vehicles are removed from service until the entire fleet is in compliance with the age policy. The existing phase-in schedule under § 609 started on January 1, 2013 and ends on January 1, 2017, when the

¹ The rulemaking was adopted as final by the Commission on May 23, 2012 and published in the *D.C. Register* on June 1, 2012.

² See http://www.nyc.gov/html/tlc/downloads/pdf/rule_book_current_chapter_67.pdf.

³ Boston allows an additional year for sole owners.

⁴ 52 Pa. Code §§ 1017.3-1017.4.

entire fleet of District taxicabs must be in compliance with the age policy.⁵ The dates in the existing Age of Taxicabs rule are “hard” dates, meaning that 100% of the non-compliant vehicles must be off the street on January 1st or they are subject to being ticketed and towed by DCTC vehicle inspectors or MPD officers.

The Commission votes today on whether or not to approve as final a proposed rulemaking which completed the regulatory process in January 2014. The rulemaking would make important and timely changes in § 609, including changes that would expedite the removal of some older vehicles, while adding measures to soften the impact on vehicle owners. The Commission has recently received feedback from owners of vehicles who are concerned about the impact of the proposed rulemaking. Some of this feedback relates to a letter to vehicle owners from the Department of Motor Vehicles which incorrectly stated that there is an “emergency” related to the Commission’s vehicle age policy and the proposed amendment to § 609.⁶ This letter, which was not authorized by the Commission or written in consultation with the Commission, has created needless confusion and does accurately reflect the age policy.

⁵ In December 2012, emergency and proposed rules were issued and subsequently made final to temporarily suspend the removal schedule in § 609 in anticipation of implementation of the uniform color scheme. The purpose of the rules was to prevent owners from skirting the color scheme by conducting an 11th hour vehicle replacement in the months before the scheme went into effect. The period covered by these rules has since passed and the original removal schedule in § 609 is back in effect.

⁶ See October 8, 2014 letter from Darnell Fountain, Vehicle Services Administrator. The DMV letter confused the issues and dates related to implementation of the Commission’s age policy, and incorrectly suggested that the proposed rules are already in effect. Under the existing rules, *all* 2004 and older vehicles must be removed from service at the same time – on January 1, 2016; under the proposed rules, 2004 vehicles would be removed *throughout calendar year 2015* (on January 1st or at the time of inspection, whichever is later). The letter’s mention of the “emergency rulemaking” connected with the December 2013 proposed rules is similarly confused, as the “emergency” bears no connection to a waiver request under § 609 and the effective period of the emergency has since passed. Without the Commission’s determination of the need for emergency rulemaking, *all* vehicles 2000 and older would have been swept off the road at the same time, on January 1, 2014. Instead, the Commission was able to give 1997 and older vehicles an additional year on the road.

To set matters straight, it is important to understand that the proposed rules are merely a refinement of the existing rules in § 609, making a number of changes which the Commission believes are necessary to better implement the removal process consistent with the existing 5/7 age policy. Neither the age policy nor the 2017 calendar year deadline for full implantation would be changed if the proposed rules are approved today, though phase-in schedule would be expedited and all implementation dates would be softened to reduce their impact on owners.

Here is what the proposed rules would do and what they would not do:

- The proposed rules would *not* change the underlying 5/7 year age policy.
- 2004 and older vehicles would *not* be removed from service during the remainder of 2014, which is no different than the existing rules.
- The proposed rules actually give 1997 and older vehicles *one more year on the road*, as the existing rules required *all* 2000 and older vehicles to be removed on January 1, 2014.
- The proposed rules would *extend* the time for compliance in 2015 and 2016, because the current rule requires *all* non-compliant vehicles to be off the road on January 1st, but the proposed rules allow vehicles to be removed by their inspection dates in 2015 and 2016.⁷
- Although the removal date from 2004 and older vehicles would advance from 2016 to 2015 under the proposed rules, adding the time until inspection would allow many 2004 and 2003 vehicles to stay in service for additional months in 2015.
- The proposed rules would establish a more gradual phase-in of the age policy, removing three model years in 2016 and three more in 2017, while the current rules will remove only two model years in 2016 and will remove six in 2017.
- Owners of vehicles facing retirement would continue to be able to request a waiver of the rule by the Office of Taxicabs for cars in sufficiently good, safe, clean condition that have been properly inspected, allowing them to seek an additional 1-3 years on the road.⁸ Owners of these vehicles need not wait and should submit their requests promptly.

⁷ This is a non-substantial change from the proposed rules as originally published which reduces the burden on stakeholders.

⁸ See 31 DCMR 609.3.

The phase-in schedule of the existing rules and proposed rules compare as follows:

Existing § 609

All 2002 *and older*
Must be retired on January 1, 2015

All 2004 *and older*
Must be retired on January 1, 2016

2010 and older
Must be retired on January 1, 2017

Proposed § 609

2004 *and older* would be
Phased out at inspection during 2015

2007 *and older* would be
Phased out at inspection during 2016

2010 and older would be
Phased out at inspection during 2017

The proposed changes to the Age of Taxicabs rule are a timely and necessary step in the right direction, as reducing the age of vehicles is a key component of a broader approach to modernization. If approved today, the proposed rules will address ongoing consumer complaints and increasing rejection of taxicab service in favor of other emerging services. So-called ride share services (also known as “private vehicles for hire”), enjoy distinct competitive advantages over metered vehicles – both fair and unfair – which are expected to gain legal protection through a bill recently passed by the Council.⁹

The proposed rules would set the stage for further, more refined efforts by the Commission to modernize the metered vehicle industry. In comprehensive proposed rules still in the rulemaking process,¹⁰ the Commission is looking beyond the mere age of vehicles, to consider such other important factors as fuel efficiency and wheelchair accessibility. Those rules would not apply to ordinary gasoline powered vehicles, which would continue to be subject to the existing age policy and whatever phase-in schedule then exists under the Age of Taxicabs

⁹ B20-0753, Vehicle for Hire Innovation Amendment Act of 2014 (approved October 28, 2014).

¹⁰ See Notice of Second Proposed Rulemaking (proposing to amend Chapters 5, 6, 10, 12, and 99), published in the *D.C. Register* on October 24, 2014.

rules in § 609.¹¹ If the proposed rules under consideration today are approved as final, they will promptly bolster the Commission's commitment to provide consumers with a high quality experience provided by professional operators driving newer, cleaner, more efficient, and safer vehicles. It is an important step in the Commission's ongoing efforts to modernize the industry.

¹¹ Those rules may be considered for approval as final rulemaking at the Commission's General Meeting on December 10, 2014, depending on comments received and the need to make substantial changes.